

Dated: May 7, 2012



Charles G. Case, II
Charles G. Case, II, Bankruptcy Judge

Chad Schatz (027212)
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Attorney for Debtors

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:

LEE M. HAYWARD
xxx-xx-3551
And
SALLY A. HAYWARD
xxx-xx-3549

In Proceedings Under Chapter 13

Case No.: 2:11-bk-02147-CGC

**STIPULATED ORDER CONFIRMING
CHAPTER 13 PLAN AND APPLICATION
FOR PAYMENT OF ADMINISTRATIVE
EXPENSE**

Debtors.

The Chapter 13 Plan having been properly noticed out to creditors,

IT IS ORDERED Confirming the Plan of the Debtors as follows:

1. **INCOME SUBMITTED TO THE PLAN.** Debtors shall submit the following amounts of future income to the Trustee for distribution under the Plan.

- a. Future Earnings or Income. Debtors shall make the following monthly Plan Payments:

<u>Months</u>	<u>Dates</u>	<u>Payments</u>
1-60	February 2011 through January 2016	\$4,000.00

The payments are due on or before the 25th day of each month commencing February 25, 2011. Debtors are advised that when payments are remitted late, additional interest may accrue on secured debts, which may result in a funding shortfall at the end of the Plan term. **Any funding shortfall must be cured before the plan can be discharged.**

The Debtors shall provide, directly to the Trustee copies of their federal and state income tax returns for 2010, 2011, 2012, 2013, and 2014 while in the bankruptcy case, within 30 days of filing. The purpose is to assist the Trustee in determining any change in Debtors' annual disposable income.

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1 b. Other Property. The Debtors shall provide directly to the Trustee their net federal and
2 state income tax refunds for the years 2010, 2011, 2012, 2013, and 2014, as supplements
3 to the plan. In the event that other property is submitted, it shall be treated as
4 supplemental payments. In no event will the term of the Plan be reduced to less than 60
5 months, exclusive of any property recovered by the Trustee, unless all allowed claims are
6 paid in full.

7 2. **DURATION.** This Plan shall continue for 60 months from the first regular monthly payment
8 described in Paragraph 1(a) above. If at any time before the end of the Plan period all claims are
9 paid, then the Plan shall terminate.

10 3. **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be classified and paid as
11 listed below. The Plan and this Order shall not constitute an informal proof of claim for any
12 creditor. The Trustee shall receive the percentage fee on the Plan payments pursuant to 28 U.S.C.
13 §586(e), then the Trustee will pay creditors in the following order:

14 a. Administrative Expenses:

15 Attorney Fees. Phillips & Associates shall be allowed total compensation of \$4,000.00
16 Counsel received \$4,000.00 prior to filing this case and will be paid \$0.00 by the Chapter
17 13 Trustee. David Wroblewski & Associates shall be allowed total compensation of
18 \$0.00 Counsel received \$0.00 prior to filing this case and will be paid \$0.00 by the
19 Chapter 13 Trustee.

20 b. Claims Secured by Real Property:

21 **JP MORGAN CHASE BANK**, secured by a lien on the Debtors' primary residence
22 located at 3108 E. WILDWOOD DR., PHOENIX, AZ 85048, shall be paid pre-petition
23 arrears of \$350.00. Regular post-petition payments will be made directly outside the Plan
24 direct to the secured creditor by the Debtors.

25 **JP MORGAN CHASE BANK**, secured by a secondary lien on Debtors' primary
26 residence located at 3108 E. WILDWOOD DR., PHOENIX, AZ 85048, shall not be paid
27 through the Plan. Regular post-petition payments will be made outside the Plan direct to
28 the secured creditor by the Debtors.

MOUNTAIN PARK RANCH HOA is secured in accordance with the CC&R(s). The
Debtors' payments are current to MOUNTAIN PARK RANCH HOA, which has filed no
proof of claim; therefore, no funds shall be paid to it by the Trustee through this Plan.
The Debtors shall continue to make regular contractual payments direct to MOUNTAIN
PARK RANCH HOA outside of the Plan.

 c. Claims Secured by Personal Property:

MERCEDES BENZ FINANCIAL SERVICES, secured by 2006 MERCEDES BENZ
R350, shall be paid \$23,518.09 together with interest at 5.25%. MERCEDES BENZ
FINANCIAL SERVICES shall receive adequate protection payments of \$240.00 per
month.

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1 U.S. BANK, secured by 2006 MERCEDES BENZ CL500, shall be paid \$36,203.29
2 together with interest at 5.25%. U.S. BANK shall receive adequate protection payments
3 of \$375.00 per month.

4 d. Unsecured Priority Claims:

5 INTERNAL REVENUE SERVICE, filed a proof of claim setting forth that \$14,585.00
6 is entitled for priority for the following years: 2010. The priority amount shall be paid
7 through the Debtors' Plan, and any remaining balance shall be treated as a general
8 unsecured claim.

9 ARIZONA DEPARTMENT OF REVENUE filed a proof of claim setting forth that
10 \$1,858.00 is entitled for priority for the following years: 2010. The priority amount shall
11 be paid through the Debtors' Plan, and any remaining balance shall be treated as a
12 general unsecured claim.

13 e. Leases or Executory Contracts. The following leases and/or executor contracts are
14 assumed or rejected as follows:

<u>Party</u>	<u>Description</u>	<u>Action</u>
Arizona Exterminating Co.	Pest Control Service Contract	Assume
AT&T	Cellular Telephone Contract	Assume
DirectTV	Satellite Television Contract	Assume
Protection One	Home Security Alarm Contract	Assume

15 f. Surrendered Property: None

16 g. Co-Debtor Claim(s): None

17 h. Other Provisions: None

18 i. Unsecured Non-priority Claims. All other claims shall be classified as unsecured and
19 non-priority. Such claims shall be paid pro rata the balance of the payments under the
20 Plan and any unsecured debt balance remaining unpaid at the end of the Plan may be
21 discharged as provided in 11 U.S.C. § 1328.

22 4. **EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the date of this
23 Order. Property of the estate vests in Debtors upon confirmation.

24 **DATED SIGNED AND ORDERED AS STATED ABOVE**

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1 Approved as to Form and Content By:

2 DAVID WROBLEWSKI & ASSOCIATES

STANDING CHAPTER 13 TRUSTEE

3
4 By:

Chad Schatz
20 East Thomas Road, Suite 2400
Phoenix, AZ 85012
Attorneys for Debtors

By:

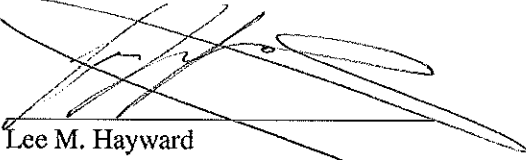
Edward J. Maney, Trustee
P.O. Box 10434
Phoenix, AZ 85064

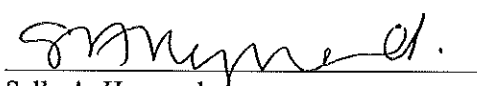
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1 **CERTIFICATION OF DEBTORS:** I, Lee M. Hayward and I, Sally A. Hayward, hereby certify as
2 follows:

- 3 1. I have reviewed the foregoing Stipulated Order Confirming Chapter 13 Plan in this case,
4 and that I approve the same; and
5 2. I have filed all applicable Federal, State, and local tax returns as required by U.S.C. §
6 1308; and
7 3. I have no domestic support obligations.

8 The Debtors certify: All required State and Federal income tax returns have been filed. No domestic
9 support obligation is owed or, if owed, such payments are current since the time of filing the Petition.

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11 Lee M. Hayward

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13 Sally A. Hayward
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1 **Plan Summary.** If there are any discrepancies between the Plan and this Plan analysis, the
2 provisions of the confirmed Plan control.

3 Administrative Expense:\$0.00
4 Priority claims:\$16,443.00
5 Payments on Leases or to cure Defaults, Including Interest:\$0.00
6 Payments on Secured claims, Including Interest\$70,000.00
7 Payments on Unsecured, Non-priority Claims:\$129,557.00
8 Subtotal:\$216,000.00
9 Trustee's Compensations (10%) of Debtors' Payments):\$24,000.00
10 Total Plan Payments:\$240,000.00

11 **Section 1325 Analysis.**

12 (1) Best Interest of Creditors Test:

13 (a) Value of Debtors; Interest in nonexempt property:\$22,004.49
14 (b) Plus; Value of property recoverable under avoiding powers:\$0.00
15 (c) Less: estimated Chapter 7 administrative expenses:\$2,950.45
16 (d) Less: Amount payable to unsecured priority creditors:\$16,443.00
17 (e) Equals: Est. amount payable to unsecured, non-priority claims if debtors filed
18 Chapter 7:\$2,611.04

19 Paragraph (2) to be completed by debtors whose current monthly income exceeds the state's
20 median income

21 (2) Section 1325(b) Analysis;

22 (a) Amount from line 59, form B22C, Statement of Current Monthly Income: ..\$5,792.67
23 (b) Applicable Commitment Period:x 60
24 (c) Section 1325(b) amount ((B)(1)amount times 60):\$347,560.20
25 (3) Estimated Payment to Unsecured, Non-priority Creditors under the Plan:\$129,557.00
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